United Nations A/HRC/32/42/Add.4

General Assembly

Distr.: General
13 April 2016

English only

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on violence against women, its causes and consequences: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Sudan.

GE.16-06056(E)

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Report of the Special Rapporteur on violence against women, its causes and consequences to Sudan: comments by the State*

Comments on the Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, on her mission to Sudan (from 13 to 24 May 2015)

1. At the outset the Government of the Republic of the Sudan would like to thank the former Special Rapporteur on Violence Against Women (SR-VAW) Ms. Rashida Manjoo for accepting the invitation of the Government to conduct a visit to the country, and has the honour to provide its comments and some necessary corrections as follows:

2. Sudan respects the views expressed by the Special Rapporteur on Violence Against Women, its Causes and Consequences in her Report based on her understanding developed during the visit. Sudan also acknowledges the independence that a Special Rapporteur ought to exercise while presenting the conclusions and findings of the country visit report.

3. Sudan is constrained to make certain clarifications and reservations on the report of the former Special Rapporteur on her country visit to the Sudan as there are some factual mistakes in addition to many instances in the report lead to the conclusion that the report lacks full objectivity and exhibits a tendency to portrait an image that does not reflect the realities around issues at hand. It is rather difficult to comprehend the reasons for the former Special Rapporteur, who has taken rather a simplistic approach while drawing conclusions, and thereafter present them as her findings. The proclivity for making unsubstantiated yet sweeping generalizations is very high in the report, which tends to point to either a lack of understanding of issues or a high degree of prejudice playing a predominant role while arriving at such conclusions.

4. Regarding the programme of the visit and the meetings with Government officials as referred to in Paragraph 2, we would like to clarify that meetings were held with the State Minister of guidance and Endowment, the under-secretary at the ministry of Justice and the deputy Chief of Justice together with five of supreme court Judges. The SR-VAW met also the Prosecutor General for Darfur Special Court in El-fashir. A University talk on Human Rights Special Procedures mechanisms focusing on the mandate of the SR- VAW was organized by Human Rights Centre of the University of Khartoum and the Unit on Combating Violence Against Women during the visit with the participation of students, representatives of related national institutions, UN agencies and NGOs.

5. In Paragraphs 4&5, the Government of the Sudan regrets that the report failed to recognize the support extended to the mission of the former Special Rapporteur during her visit to Sudan. The efforts of the state officials entrusted to provide every necessary support to the visit in compliance with the terms of reference as well as the code of conduct were surprisingly misinterpreted and referred to in the report as "lack of unfettered access". The understanding of the Government of the Sudan is that the former Special Rapporteur is visiting the country as a mandate holder on violence against women, it's causes and consequences and not in a mandate of policing and/or prosecuting. The Government of Sudan is honoured to stress its readiness to continue cooperating with the mandate of the Special Rapporteur on Violence Against Women.

* Reproduced as received.

6. In paragraph 6 of the report, it is mentioned that the fear of reprisals by women rights activists and organizations resulted in many organizations choosing not to meet with the SR-VAW, as no specific cases were mentioned and a large number of representatives of women organizations tried to meet the SR in front of UNDP on Saturday, May 16th 2015 but not allowed in by the UNDP staff (because of procedural matters as they were told) this claim sounds strange and confusing. In Paragraphs 6 the report also highlighted an unfortunate incident that took place on Saturday16 May 2015, it has many complications that were not accurately reflected in the report. What happened is for security reason for protecting the hotel and the residents. One of the two students mentioned in the report came to the hotel where the SR-VAW was accommodated, was armed with a knife, the GoS security laws does not allow such an action for the security of the guests and other people in the hotel. When the armed student was questioned by the Hotel security one of the Special Rapporteur's assistants gave provided her UN-LP as a guarantee to let him get back the knife that he was holding .Quarrel occurred at the door of the hotel and the hotel administration filed a case against those who made this trouble in Khartoum North police office on the same day. The report mentioned that the SR continued to receive allegations about reprisals while non of the said reports were brought to the attention of the Government (till 28th, December 2015). A communication dated 28/12/2015 on the said incident and other allegations was received and will be addressed in due time.

7. Concerning Paragraph 7, the Government of the Sudan would like to stress the fact that the visiting special rapporteur was able to hold meetings and visit locations and institutions of interest as agreed in the program of the visit, to have discussions and gather information in compliance with the HRC resolutions 5/1 and 5/2 and other related documents. In addition, the visiting SR had enough time and full access to hold private meetings and visits, some private meetings are mentioned in the report in a way that contradicts the claim of being faced by lack of unfettered access. In many instances the report referred to information and claims told to the visiting SR-VAW during private meetings, this in itself provides a clear evidence that there were no restrictions imposed by the Government against the SR activities as agreed.

8. Paragraph 8 referred to allegations that claimed to happen after the end of the SR-VAW visit. The said newspapers were treated in accordance with the Press and Printing Information Law in specific legal procedures. The language used in the report regrettably seems to try to make sweeping generalizations based on "prevailing views" rather than founded researches and studies as expected.

9. Regarding the information in Paragraph 9 we would like to reiterate the fact that the Sudan inherited the conflict - in its southern part at that time- from the Colonization era. There was no civil war occurred in Sudan in 1976 and the conflict in South Sudan re-erupted in 1983 after one decade of peace and stability all over the country.

10. Regarding the negative impact of the UCMs, the SR-VAW was invited for a public forum on the issue but she was not able to attend due to other engagements in private meetings arranged for her by the UNCT at the same time. Many examples can be mentioned to clarify the negative impact of UCMs, for instance Sudan was unable to reach the MDG targets especially reducing maternal, infant and under five mortalities by 2015 due to financial constraints and unavailability of functioning equipment to save their lives due to lack of spare parts resulted from the unilateral sanction applied against the country by some states. Importing drugs and medications faces restrictions, mainly financial transactions that deprives the people of the Sudan, including women and children from having access to medical products particularly those come from high quality companies.

11. In paragraph 10 of the report an assessment for the implementation of Doha Document for Peace in Darfur DDPD was made. The base of the provided assessment is not clear, particularly in the light of the fact that this issue was not raised with a main

implementer – the Government- at any stage during the visit. In some instances the SR-VAW was invited to visit development and resettlement projects which were part of the implementation process but she was not able to go. Village of Thabit is a case in point. Describing the implementation of the DDPD as slow and not effective in the way occurred in the report is questionable and unsubstantiated.

12. In relation to paragraph 11 it is pertinent to mention that the National Interim Constitution 2005 includes a Bill of Rights that addresses basic Human Rights including those of women and children. Art (37) considers all Human Rights International instruments that the Sudan is party to, as part of the constitution of the Sudan. The ongoing National Inclusive Dialogue, called for by the President, started on the 10th of October one of the committees is the committee for rights and freedom for discussing the permanent constitution and one of the recommendation is to include the bill of right in the new Constitution and other rights and we expected the dialogue to lead to comprehensive peace and settlement in all parts of Sudan and accordingly will have our permanent constitution.

13. Paragraph 12 said that numbers of issues remained unsolved under the CPA and we want to explain that CPA has been implemented as planned and the pending issues is the agreement on border demarcation between the two countries and the four freedoms to be agreed upon. The Humanitarian Aid Commission, the body responsible for humanitarian assistance for IDPs, stated that the official estimation of IDPs numbers is as follows:

- The number of IDPs between January- April 2014 is **269.170** persons.
- The number of IDPs between January- May 2015 is **10.108** persons as due to tribal conflicts which was contained.

14. At the end of this paragraph (12) the SR report about security situation in Sudan including gender based violence GBV as a source of deep concern without mentioning any source for the information. We would like to stress that the last report of HAC reflect the improvement of the security situation in the IDPs camps. The Prosecutor of Darfur special court reported that there were no reports of GBVs filed from IDP camps by the time of this report. Many committees were developed and female police officers deployed to the IDP camps to enhance efforts of women protection, while CSOs are working on human rights awareness raising among women in the camps, as well as provision of support and training in micro finance projects projects in different sectors. The SR-VAW visited Darfur and North Kordofan and reported on South Kordofan, Blue Nile and Abyei, situations in those areas were not discussed specifically with the Government during the visit in a way that enables proper reporting.

15. The views expressed by the SR-VAW in paragraph 13 are contradicting the realities on the ground, it is true that there are many challenges and there is a long way to go in further enhancing the enjoyment of Sudanese women of their human rights, but imposing a conclusion indicates the existence of "pre-existing patterns of oppression and subordination" does not reflect a robust understanding for the context in Sudanese Society. It worth mentioning here that Sudanese women are among the pioneers in Africa in civil and political participation, leading business and participating in decision making; Women education in Sudan started in 1906, by Sheikh Babikir Badri who established the first school for girls in the city of Rufaa. Sudanese women were among the few in Africa since 1950's to enjoy voting rights in elections since the first free elections after independence. Sudanese women joined trade unions, schools and professional colleges in full freedom and complete integrity even prior to the independence and participated in the national struggle for independence through their well-known women movement that was established in 1940s. The Sudanese women stood for election in a free suffrage and won a seat in the parliament of 1968.

16. Women in the Sudan joined the judiciary as judges since the early 1970's, many senior female judges joined the Constitutional Court. Female judges also serve in the Supreme Court and other senior posts as Head of the Judicial Bureau. Sudanese women are currently holding ministers' posts at the Federal level and at states' level. In addition more than 30% of the members of the Parliament in the Sudan are women. Women in Sudan enjoy the right to equal pay for equal work, maternity leave, pension rights without discrimination and according to the same criteria applied on men.

17. Numerous policies, strategies, plans, programs, projects are adopted and being implemented by the entrusted mechanisms for women empowerment. The National Policy for Empowerment of Women adopted by the state in 2007 is one of the talking examples. It consists of six aspects (health, environment, education, economic empowerment, human rights and law, political participation and decision-making, peace and conflict resolution) deduced from Beijing Platform for Action (12) as a priority area for Sudan. The National policy aims at empowering women and to further protecting and promoting their rights, it refutes any doubts of oppression and subordination and inferiority. The main objectives of the National Policy for Empowerment of Women are to:

- Adopt the necessary policies that guarantee and provide preventive care and medical treatment for women and children at all age.
- Provide and enjoy complete educational system for women of all age and social categories, rural and urban in order to bridge the gap in education between women and men.
- Improve the living conditions of the poor women to empower them within the framework of the sustainable comprehensive development.
- Improve women performance and develop their capabilities.
- Enhance all civil rights for women. Those rights included in the constitution and in accordance with the ratified provisions of the regional and international conventions which support and empower women.
- Take necessary measures which guarantee women to accede to power, decision-making and leadership.
- Strengthen the efficiency of women in the issues of conflict resolution, consolidation of peace and dissemination of its culture.

18. In Paragraph (14) the report regrettably declares that "it was impossible for the Special Rapporteur to verify the true extent of the phenomenon of violence against women and girls due to a range of factors, such as the limitations regarding official data on violence against women". The issue of data collecting and analysing is one of the challenges that the Government work on. It also seeks technical support on this issue, as discussed with SR-VAW prior to and during the visit..

19. The Ministry of Interior usually issues an annual criminal report that provides data on different crimes took place during the respective year disaggregated by states, types of crimes, sex and the prevalence rate. The Criminal Report of 2014 was handed to the SR-VAW and her team to support the research, analysis and data collection on the situation of violence against women in the country. It includes information on types of SGBV e.g cases of rape, the report shows that total number in 2014 is 615 cases all over Sudan and the prevalence rates of such a crime shows that North Kordofan State is the highest (38 cases) followed by Khartoum State and white Nile state (70 cases each).Accordingly the Ministry of Welfare and Social security developed a committee to address these incidence of different types of crimes and developed mechanisms at the state level to reduce the prevalence rate.

20. The report touched on social stigma and cultural norms as obstacles causing underreporting as far as violence against women is concerned. It is a social challenge that the Government works on, units of protecting family and children were established to create conducive environment to encourage reporting through these unit to the police and access judiciary services. Other mechanisms were developed by the Government particularly in conflict affected areas. Training facilities were established in collaboration with civil society groups to work with women specially women in IDP camps to raise their awareness with regard to their rights enshrined in the Interim National Constitution 2005 and national laws to encourage them to exercise their right to seek the legal assistance, psychosocial support and medical services.

Paragraphs 16, 17, 18

21. The SR-VAW mentioned that the domestic violence is "widespread and pervasive" with lack of access to the services and justice institutions. It is important to clarify that domestic violence exists in Sudan but no records or studies support describing it as "widespread and pervasive". Victims have the right to file their claims according to the Law, they have the right to remedy according to article 162 of the personal status law for 1991 where the victim might file for divorce before respective courts throughout Sudan. If the victim does not wish to resort to the justice institutions there are other patterns of reconciliation available and widely considered and respected by the community and the native administration system. The report jumped to another ill founded generalization that "Seeking redress from the police and the courts, including seeking a divorce was an exercise in futility for most women". This dose not give a positive sign as far as objectivity and credibility is concerned.

Paragraphs 19,20

22. Rape is a crime that unfortunately takes place worldwide and the perpetrators are usually prosecuted in conformity with the respective law in the normal circumstances while punishments more tightened in cases of emergency (wars and conflicts). The Penal Code of 1991 was amended in 2009 by adding the articles concerning the war crimes, crimes against humanity and genocide. Article 149 was amended in 2015 a separate definition of rape crime was added , while a separate Article (151) that defines sexual harassment was added.

23. The Armed Forces law 2007 emphasized the penalty for rape to be more harsh in case of committing rape during the conflicts. It has further identified the mechanisms that enable victims to request support through the investigation offices, the prosecution offices and courts throughout the Sudan.

.24 Units for combating violence against women and children at the state level where established, their main function is victim support including to help in access to justice and services. The Minister of Justice issued circulars no. (1) and no.(2) since 2004 that gave those victims the right to have access to medical services without the need for filling form no.(8){form (8) is necessary to give details on incidents caused injury for any victim in medical service institutions} . The law gives woman the right to file a case before the court five years after the crime is committed (General prosecutor's circular no. 7). These measurements together with the training of the policewomen in criminal investigation to facilitate gathering of information and encourage victims to have access to justice.

Paragraph 21

25. The paragraph tackles the "marital rape" which is not yet recognized or criminalized in the Penal Code. The term "marital rape" is neither agreed upon nor adopted in any international document. It is also not defined or recognized by the Sudanese legal system, but women always have the right to access to justice to report any kind of domestic

violence. Personal Status law articles 91,95 regulate the marriage relationship. Causing harm to wife is criminalized by articles 142-139 of the Penal Code 1991, accordingly the affected wife has the right to seek divorce (article 162 of the personal law 1991).

Paragraph 22

26. Concerning the visit to the village of Thabit in Northern Darfur, it is important to clarify facts around some points mentioned in the report, as follows:

- The visit of SR-VAW coincided with an event organized by the youth union in the village as part of their summer activities (immunization campaign, health and cultural day).
- The village of Thabit has a resident garrison, as it has suffered in the past from violent activities of armed groups and after being liberated has been chosen to be one of the voluntary return villages. The presence of agents of Sudanese armed forces and some security agents is just normal and has no relation with the visit. They joined the public gathering to witness the youth event, they did not intervene in the activities of the SR-VAW visit unless answering questions of the SR-VAW and her team.
- The Women's Union representative made an effort to present the case of the women in the village to the SR-VAW, but no one in the village denied the right to talk to the SR in any way. She was invited to go into the houses of the village but she decided not to go. The report paid no attention to the public messages delivered to the SR-VAW by women in Thabit concerning the humiliation they feel because of the said allegations.

Paragraph 23

27. Investigation on allegations of rape in the village of Thabit was conducted by UNAMID and by the Prosecutor General for the Special Court of Darfur. Pillars of the crime of rape could not be detected by any party, no victims or any other evidence to indicate that the verbal allegations broadcasted by "Radio Dabanga" is true. It worth mentioning that Radio Dabanga is based in the European continent (the Netherlands).

Paragraph 24

.28 The Prosecutor General for the Special Court of Darfur explained that this claim has legally affected the women of Thabit since there are no reports filed. Therefore, it falls under the defamation articles at the national and international levels. While the previously mentioned information proves that it is absolute ungrounded allegation.

Paragraph 25

.29 Concerning allegations of rape in different areas (Northern and Western Darfur), the SR was informed of, prior to and during her visit, the SR-VAW did not raise that in here meetings with the Government officials or share any reports with the Government on specific cases at any stage in order to be investigated. Mere verbal allegations raised by politically motivated groups cannot be the right base for any reasonable action by the state or any other entity. The request to establish a commission of inquiry to investigate baseless allegations indicates the lack of scientific methodology and information analysis in this report.

Paragraph 26

30. The ongoing legal reform process includes Sudanese Personal status law- Article 40 on the age of marriage (not Article140 as mentioned in the report). In Sudan we agreed that the early marriage refer to child marriage. With regard to lack of data, this is not true. There is rather up to date information in the multiple indicator cluster survey and of the study of orientation, practices and knowledge implemented in six (6) states between 2012-2013 conducted by the National Council of Child Welfare and funded by the UNICEF. The first lady of Sudan launched the combating child marriage campaign as part of the regional campaign by the African Union and First Ladies Organization in Africa.

31. The national committee for Women legislations review, had revised the personal law and proposed amendments on article 40. On the other hand, article 5 of the child law included the principles of the best-interest of the children and believe that child marriage doesn't fall under their best interest.

32. The case mentioned in paragraph 27 could have access to all kind of health services as well as psycho-social services. According to article 135 of penal code, she has the right to abortion if the pregnancy was due to rape. A religious jurisprudence rule "there should be no harm nor malice" is applicable in such a case if presented to the respective authorities but this not seem to be the case. Based on religion teachings, CVAW carries on awareness raising campaigns (Mercy and compassion) through persuasive dialogue on the objectives of the Sharia law.

Paragraph 28

33. Female Genital Mutilation FGM practice is still high but there is a considerable decrease among the age group 0-14 years. Compared to the practice among this age group, we find that according to the health survey 2006, the practice was 43% while the family health survey in its second session 2010, the practice was 37%.The multi indications cluster survey 2014, the practice reduced to 31.5%. For the age group 15-49 years there is a decrease in comparison with the health survey 2006 from 69% in 2010 to 65.5% in the second session survey 2014.The methodology of the multi indication cluster survey 2014 has changed to cover the married women only, this is why the indicator read 86.6% which cannot be compared with the family health in its second sessions 2006 & 2010.

Paragraph 29

34. The issuance of the national legislation that convicts and prohibits the FGM practice was postponed to gain wider social agreement on eliminating FGM. Intensive awareness raising campaigns are running now. The law was afterwards deposited for adoption taking into consideration that a national act was drafted by a national committee.

Paragraphs 30, 31

35. The report mentioned that the number of women in the prison that SR-VAW visited is 818 accompanied by 130 children. This number of women exist in the prison according to the Law, they are sentenced with minor or major crimes. Some of them come from other states of Sudan where there are no women prisons. Many children live inside the prison accompanying their mothers, the decision usually made to serve the best interest of the child if the child has no one to take care of him/her outside the prison. Basic health and education services are provided to those children accompanying their mothers inside the prison.

36. Concerning the compensations that could keep some in prison, the government usually pays a lot of these compensations through Zakat fund and other sources. (e.g on January 15th, 2015 95 women accompanied by 23 children were released and on January

26, 2015 other 729 women were released, 109 children were accompanying their mothers went back to normal life).

37. The women prison in Omdurman has a clinic equipped by all necessary facilities including labour (delivery) rooms, labs, pharmacy, dentist room, treatment and small surgery rooms. The clinic has a well trained staff to take care of those in need. Consultants are available twice a week.HIV and cancer detections are made in the nearby well equipped specialized centres if need be.

Paragraph 32

38. The apprehended and detainees under the National Intelligence and Security service NISS are treated in accordance with the law. Article 51 of the National Security law 2010 stipulates the following:

- The person shall be notified when arrested and/or imprisoned for the different reasons.
- The apprehended and detainees have the right to inform their families or the entity they are affiliated to and their advocates, if this does not affect the interrogation and investigation process.
- The apprehended and dctainees are treated with respect to their dignity and shall not be mistreated or harmed physically or morally. Regulations arrange how to handle their belongings and messages.
- The apprehended and detainees have the right to have additional portion of food, clothes and cultural materials at their own expenses taking into consideration the security and order conditions.
- Women imprisoners shall not be held save in prison cells allocated for them, taking their delicate nature into account.
- In accordance with the regulations, apprehended and detainees' families are allowed to visit them.
- The apprehended and detainees have the right to accede medical care.
- The concerned prosecutor shall pay regular visits the prisoners' cells in order to ensure that all imprisoner or the prisoners guidelines are been abided by and to receive any complaints in this regard.
- Regulations identify the required conditions inside the prisoners' cells as well as all the procedures and issues that guarantee their dignity.
- The arrested persons have the right to go to court if they remain in the prison more than the period specified in article 50 of the law.

39. NISS keeps the imprisoned women in a place allocated for them in Omdurman women prison under guard and supervision. A private prosecutor appointed by the Minister of Justice carry on a regular searching process in this location receive complaints if any. NISS provide all necessary medical service where the specialized doctors regularly rotate and provide requirements for the apprehended and detainees. With regard to the conditions of the women in the list of ravel ban, we would like to clarify that this is done in accordance with the penal and immigration procedures and it is done by the concerned entities taking into account the sovereignty of state.

Paragraphs 33-34

40. No specific cases where shared with the Government to investigate.

.41 Multi-ethnic and cultural diversity in Sudan is considered as a source of power and inspiration to enact laws and legislations that protect women and enable them to enjoy their fundamental rights (enshrined in the Sudan interim constitution 2005 to support the principles of fairness, justice and entrench the achievements women as stated in Article 28 (equal pay for equal work).

42. Based on the nature of the work and the general rule of the Civil act public office is offered on the basis of merit without discrimination, article (59) in the list of the National Civil Act for the year 2007 on the equal right to promotion. Article (61) of the same regulation stipulates that the selection criteria and evaluation of the candidates on promotion on the basis of merit, and took into account the list of the regulation of the National Civil Service Act 2007.

Paragraph 35-39

43. The report discussed security during conflict in these paragraphs, this issue remains a serious concern of the Government. Security of IDP camp is addressed by Sudanese National Police and UNAMID in all the IDP camps in the five states of Darfur, and the situation is largely developed as a result of the continuous efforts in this area.

44. According to the office of the Prosecutor General of Darfur Special Court, there was no rape cases reported or claimed since November 2014. Any reported cases are properly delt with by the respective authorities.

45. Concerning Aboshock camp, the security situation is stable and challenges are addressed by the Police agents when they occur. The camp has a permanent clinic run by medical staff, doctors are available during the day.

Paragraph 40-43

46. In 2014, government of Sudan took significant steps in joining the global fight against human trafficking by acceding to the protocol to prevent, suppress and punish trafficking in persons in addition to its endorsement of the 2013-2014 joint strategy to address human trafficking, kidnappings and smuggling of persons. The strategy aimed at providing support to ensure the safe entry of asylum-seekers, their secure residence in refugee camps in Eastern Sudan and the protection and rehabilitation of identified victims of trafficking.

47. Sudan has also enacted the first federal law to combat trafficking in Sudan (Combating of Human Trafficking Act 2014) and established a National Committee to Combat Human Trafficking. It hosted also the first African union Regional Conference on Human Trafficking and Smuggling in the Horn of Africa and participated in the EU-Horn of Africa Migration Route initiative (Khartoum process) as a key member state in discussions on migration and mobility across the African and European countries

48. Efforts taken by the government in partnership with international organizations like UNHCR and IOM has impacted positively in significant reduction of incidents from 338 in 2012 to 113 in 2014. In 2014, over half of all reported incidents in 2014 had occurred in previous years. Continuous efforts have resulted in more decrease of smuggling among refugees in 2015. Only 33 cases have been reported. One of the challenges that has always been raised by the government is the issue of improving social services and living conditions of refugees in camps. Poverty is one of the pushing factors that have triggering internal movement of refugee, and thus exposing refugees, mainly women and girls to trafficking.

Paragraph 44

49. The Maputo protocol as annex to the African Charter for Human and People's Rights (women rights in Africa), is under process for ratification.

50. Convention on Elimination of Discrimination Against Women (CEDAW). Despite the fact that it doesn't include any articles on violence against women but stipulates a number of rights. Sudanese woman enjoy most of the rights set forth in the convention through the implementation of Beijing outcomes document and the Sudan policy of empowerment of women. According to presidential decree 140(for state reform program)all the conventions related to human rights will be studied and revised to determine the status of the Government towards them for further action including CEDAW.

Paragraph 46 – 53

51. These paragraphs reflect recommendations provided by many international mechanisms. Concerning the issues related to violence against women and women rights a national committee was established to revise all laws pertaining women and child rights, along the same line of the legal reform process that was launched as mentioned before.

52. IE on the situation of human rights in Sudan Dr. Mohamed Chande Osman in his report of 2011 acknowledged that the activities of CVAW units in Darfur present a successful experience that should be documented and copied in other conflict and post conflict areas.

Paragraph 78 – 80

53. The report gave a general assessment to the situation of women in the Sudan, including the role the SR-VAW sees for UNAMID. UNAMID role and exit strategy is being delt with by competent national and international bodies that take all related concerns and interests into consideration.

Paragraph 81

54. Giving an assessment in a specific and concrete words in this paragraph contradicts the declaration made in paragraph (24) of the same report, this regrettably indicates the lack of objectivity in the report that apparently relied on views focused on criticizing the Government of the Sudan rather that serving the cause of addressing the violence against women. it is useful to recall here that Sudan ratified the ICGLR protocol on suppression of sexual and gender based violence in 2008 and become part of the national law, the issue of domestication of such a protocol is part of the on going legal reform.

Paragraph 83

55. Article 149 of the criminal law mentioned rape as recognized by law, the article could be developed in the future if need be.

Paragraph 84

56. The supreme court's circulars are about interpretations in national laws, and there compatibility with the constitution. The picked examples in mentioned this paragraph discriminatively and without explaining the merits behind them cannot be acceptable in such a report. Islamic laws are the agreed choice to regulate the activities of the Sudanese society with full respect to the rights of non muslims that is catered for by the competent bodies.

Paragraph 85

57. This paragraph stated that "40" women are brought to the courts in Khartoum for infringements linked to public order law and they are often tried without the presence of a lawyer, and sentenced to prison sentences, fines or public lashing. It is important to give the reference of this peace of information which seems to be an inaccurate estimation. Allegations on targeting poor and vulnerable women also needs to be verified and attributed to reliable source.

Paragraph 86

58. The report gives kind of credibility to allegations by political opponents –as clearly stated- by mentioning them as part of the report without discussing their details with the Government. This methodology puts the credibility of the report into question and does not comply with the code of conduct of special mandate holders (HRC/ Res./5/2).

Paragraph 87

59. CVAW units at federal and state levels are specialized units with specific mandate of coordination and advocacy, while general directorate for women affairs are part of the executive authority and others mechanisms have their own mandate focusing on women empowerment.

Paragraph 88

60. HAC is the official body intrusted to execute policies and regulations regarding NGOs registration and activities in Sudan. The report presents distorted peace of information accusing HAC of harassing and deregistering NGOs and discriminating against Women NGOs again in a generalized way without reference.

Paragraph 89

61. To correct what was mentioned in the report it is important to reiterate the fact that the national strategy for combating violence against women was developed in collaboration and coordination with civil society organizations. The main axis in the strategy is sustainable development for combating harmful traditional practices to serve the best interest of women at all levels.

Paragraph 90

62. The issue of data collection poses a major challenge for the different bodies work in the field of human rights, efforts are exerted to address this issue by a data base project that allows having accurate reliable data. Survey researches are being conducted on violence against women in order to guide the activities of combating violence against women.

Paragraph 91

63. Generalization also appears heavily in this paragraph, without a deep comprehension to the Sudanese context it will be difficult to provide useful expert views to support the on-going effort in the state to promote and protect human rights in general and human rights in particular. (see paragraphs 15-18 above)

Paragraph 92

64. There seems to be a kind of misunderstanding of the position of the State in the Sudan, an absolute denial by the State as described in the report – if exists- would imply refusal of the SR-VAW mandate, and this visit could have not been conducted. There is a

strong political commitment towards combating violence against women. The declaration of the zero tolerance now campaign and sponsoring the campaign of 16 days of activism against VAW by the Presidency of the state are related examples.

Paragraph 93

65. Assessment made by the SR-VAW regarding the Justice system in the Sudan is unsubstantiated and totally rejected, it reflected a regrettable superficial manner that can never be acceptable in such a report. SR-VAW clearly exceeded her mandate, assessing and/or judging the justice system of any member state is beyond that mandate.

Paragraph 94

66. Another set of unsubstantiated conclusions is presented in this paragraph. Reaching such a conclusion without having enough data or making proper research again makes the objectivity and professionalism of this report questionable. This attitude of jumping to unsubstantiated conclusions is absolutely rejected by the government of the Sudan.

Paragraph 95

67. A closer look into the norms and traditions of the Sudanese society could have given the SR-VAW an explanation of what she heard and mentioned in this paragraph. It is true that reconciliation is the favourite way to address family problems – including occurrence of violence- but the aim is to maintain or create conducive conditions for the family. There is no official denial of the rights of a victim to peruse a legal case and seek remedy while the societal norms encourages pardoning and reconciliation as explained. Local leaders/ senior persons of the extended family may impose penalties on perpetrators and compensations for the victim.

Paragraph 96

68. It is known that 98% of the population in the Sudan after succession of the south are Muslims and Islamic law system is adopted in the country and Sharia is considered as a main source for the constitution.

Paragraph 97

69. Sudan adopt the WHO Protocol on Clinical Management OF Rape, which provided for post exposure kit that facilitates providing all health services to the victim. The SR-VAW evaluation of health professionals in this paragraph is baseless, all medical professionals working in the field are qualified personnel and got specialized training courses through WHO on Clinical management of rape cases.